

## CITY OF WEST DES MOINES PLAN AND ZONING COMMISSION

**Meeting Date:** May 21, 2018

**Item:** Amendment to City Code – Title 9 (Zoning), Chapter 14 (Accessory Structures) to amend the maximum number of fuel pumps permitted in the Community Commercial (CMC) District – Hy-Vee, Inc. (AO-003879-2018)

**Request Action:** Recommend approval of an amendment to City Code

**Case Advisor:** Kara Tragesser, AICP *Kara*

**Applicant's Request:** Hy-Vee, Inc., applicant, requests an amendment to City Code to increase the maximum number of fuel pumps permitted from 6 to 8 in the Community Commercial (CMC) District.

- Title 9 (Zoning), Chapter 14, Accessory Structure, Section 9, Fuel Pump Islands and Island Canopies

**City Council Subcommittee:** This item was discussed at the April 30, 2018, Development and Planning City Council Subcommittee. The subcommittee was supportive of the change to the ordinance.

**Staff Review and Comment:** There are no outstanding issues. Staff notes the following:

- **Maximum number of Pumps:** Current code permits a maximum of 6 fuel pumps in the Community Commercial (CMC), Convenience Commercial (CVC) and Neighborhood Commercial (NC) districts. With the Community Commercial (CMC) district intended generally to be a larger area and more active and higher level of intensity of commercial uses than areas devoted to the Neighborhood Commercial (NC) or Convenience Commercial (CVC) district it is reasonable to make the proposed change. This change is also still less than the number of pumps permitted for Regional Commercial (RC) and Support Commercial (SC) districts as they are more auto oriented districts and better suited for the larger number of fuel pumps. Staff supports the change to increase the CMC district from 6 to 8 pumps as shown in the table below.

	RC	CMC	NC	CVC	SC	VJC	VJHB
Maximum number of fuel pumps allowed per site	12	6 8	6	6	12	4	4

**Noticing Information:** On May 17, 2018, notice of the May 21, 2018, Plan and Zoning Commission and May 29, 2018, City Council public hearings for this project was published in the *Des Moines Register*.

**Staff Recommendation and Conditions of Approval:** Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

Attachments:

Attachment A – Plan & Zoning Commission Resolution  
Exhibit A – Proposed Ordinance

**RESOLUTION NO. PZC-18035**

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND TITLE 9 (ZONING), CHAPTER 14 (ACCESSORY STRUCTURES), TO AMEND THE MAXIMUM NUMBER OF FUEL PUMPS PERMITTED IN THE COMMUNITY COMMERCIAL (CMC) DISTRICT**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Hy-Vee, inc. requests an amendment to Title 9 (*Zoning*), Chapter 14 (*Accessory Structures*), Section 9 (*Fuel Pumps Islands and Island Canopies*), to amend the maximum number of fuel pumps permitted in the Community Commercial (CMC) District;

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

**WHEREAS**, this Commission held a duly-noticed hearing to consider the application for an amendment to ordinance;

**WHEREAS**, this Commission did consider the application for an amendment to ordinance;

**NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:**

**SECTION 1.** The findings for approval in the staff report or as amended orally at the Plan and Zoning Commission public hearing are adopted.

**SECTION 2.** The AMENDMENT TO ORDINANCE (AO-003879-2018) is recommended to the City Council for approval, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on May 21, 2018.

\_\_\_\_\_  
Craig Erickson, Chairperson  
Plan and Zoning Commission

ATTEST:

\_\_\_\_\_  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on May 21, 2018, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

Prepared by: K Traegesser, West Des Moines Development Services, PO Box 65320, West Des Moines, IA 50265, 515-222-3620  
 When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

### ORDINANCE NO.

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2014 BY AMENDING TITLE 9 (ZONING), CHAPTER 14 (ACCESSORY STRUCTURES), SECTION 9 (FUEL PUMPS ISLANDS AND ISLAND CANOPIES) TO CHANGE THE MAXIMUM NUMBER OF FUEL PUMPS ALLOWED IN THE COMMUNITY COMMERCIAL ZONING DISTRICT FROM SIX TO EIGHT**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:**

**Section 1. Amendment.** Title 9 (*Zoning*), Chapter 14 (*Accessory Structures*), Section 9 (*Fuel Pumps Islands and Island Canopies*.) Subsection E is hereby amended by adding the text in bold italic lettering and deleting the highlighted strikethrough text:

E. Fuel Pumps: The following table shows the maximum number of fuel pumps allowed per site by zoning district.

	RC	CMC	NC	CVC	SC	VJC	VJHB
Maximum number of fuel pumps allowed per site	12	<del>6</del> <b>8</b>	6	6	12	4	4

**Section 2. Repealer.** All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

**Section 3. Savings Clause.** If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

**Section 4. Violations and Penalties.** Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

**Section 5. Other Remedies.** In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

**Section 6. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Steven K. Gaer, Mayor

ATTEST:

\_\_\_\_\_  
Ryan T Jacobson  
City Clerk

The foregoing Ordinance No. \_\_\_\_\_ was adopted by the Council for the City of West Des Moines, Iowa, on \_\_\_\_\_, 2018, and was published in the Des Moines Register on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk